In the Drawings:

Replace the two drawing sheets containing Figures 1 and 11 with the two drawing sheets provided herewith and containing revised versions of those figures.

REMARKS

In the first place, Applicants and their agent wish to thank Examiners Chattopadhyay and Isabella for their participation in the August 10, 2004 interview. The time they took to digest Applicants' presentation and discuss the case is much appreciated.

Upon entry of the amendments herein, claims 1-27 and 29-37 remain pending in the application. Claims 5 and 19 have been amended. Claims 28 and 38-42 have been cancelled without prejudice in the wake of the Examiner's maintaining of the restriction requirement. Applicants maintain the right to resume prosecution of the cancelled subject matter in a divisional application. Claims 34-37 presently remain withdrawn as being directed to the allegedly distinct species of stent not elected by Applicants. The Examiner is reminded that upon allowance of a generic claim, which allowance is anticipated on the basis of the interview, consideration is to be given to the claims directed to the nonelected species.

The Examiner has reminded Applicants about perfecting their claim for priority and has stated that "applicant may simply identify the application containing the priority papers." In this regard, Applicants point out that on the Office Action Summary Page of the latest Office Action issued in copending,

coassigned application Serial No. 09/511,481, the Examiner has indicated that all certified copies of the priority documents have been received. It should be noted further that the present application, a continuation-in-part of the '481 application, claims priority of the same two European applications as does the '481 application. Applicants note still further that a similar situation arose in copending, coassigned application Serial No. 10/071,071 and that the Examiner subsequently acknowledged that copies of the priority documents had been received in application Serial No. 09/094,402, the parent of the '481 application.

The Examiner has leveled some objections to several of the figures. In response thereto, Applicants have provided herewith a revised version of cited Figure 1 on a new drawing sheet. Applicants note that the Examiner's reason for objecting to Figure 1 may also be applied to Figure 11. Accordingly, a revised version of Figure 11 on a new drawing sheet has also been provided herwith. In the case of cited Figures 3, 4, 14 and 15, amendments have been made to the appropriate passages in the specification to rectify the discrepancies noted by the Examiner.

The Examiner has objected to the Abstract. Applicants have amended the Abstract herein to correct the passage cited by the Examiner.

The Examiner has leveled three objections to the specification as failing to provide proper antecedent basis for claimed subject matter. Implicit in this objection is the idea that the claims are considered to be just as much a part of the original disclosure as is the specification. Accordingly, it is Applicants' understanding that the Examiner is not rejecting the claims for lack of enablement but, rather, is merely asking that the specification and claims be brought into line with each other. In this regard, the objections leveled in sections 8.a) and 8.c) have been addressed by amendment of the specification to reflect the language found in cited claims 9 and 25. In the case of the objection set forth in section 8.b), Applicants have amended cited claim 19 to put it in agreement with language found in the specification.

Claims 5-9 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular the Examiner asserts that there is insufficient antecedent basis for the limitation "each endzone." Claim 5 has been amended as suggested by the Examiner.

Claims 1-27, 29, 30, 32 and 33 have been rejected under 35 U.S.C. §102(e) as being anticipated by published U.S. application No. 2002/0116044 of Cottone et al. The entire interview of this case with the Examiners was spent clarifying the differences between the instantly claimed stent and that disclosed and claimed in the Cottone reference. Applicants provided the Examiners with models of the two types of stents and pointed out the differences as the Examiners inspected the models. At the end of Applicants' presentation, the Examiners indicated their understanding of the differences and their agreement that said differences confer patentability of the instantly claimed stent over that of the Cottone application. The gist of Applicants' presentation is provided below.

As the Examiner pointed out in the written rejection, there are like elements in the construction of the two types of stents. However, as explained at the interview, the way these elements are arranged in the respective stents is completely different. In the first place, one must make the fundamental distinction between the continuous helices of the stents disclosed in the Cottone application and the "helical segments" of the stents claimed in the instant application.

The elements of the Cottone stent are assembled and interconnected differently from the elements of the instant

stent to produce a spiral helical platform in the former case versus a ringlet segmented platform in the latter case. The Cottone stent is composed of a first repeating helix (see, for example, Figure 6 of the Cottone application, depicting the continuous spiral from, for example, element 71 to element 77 or from element 68 to element 78). This helical pattern continues throughout the main body along the stent, like a screw thread along the length of a bolt.

On the other hand, in the instant stent there is no continuous pitch revolving about the main body or along the axial length of the device. Furthermore, according to the instant disclosure, one can form opposing helical structures or patterns composed of helical connective elements (see element 60 of the instant figures) along the length of the device as well as a dual tandem helical pattern rotating about the length of the device in an opposing fashion. This secondary helical pattern is primarily composed of the circumferential elements (50 and 50' of the instant figures). The instant stent is constructed from connecting circumferential rings together along the length of the device. The novelty in these rings is that they are composed of "helical elements" (60) and "circumferential connecting elements" (50 and 50'), as defined in the instant specification and are arranged together into

ringlets (100). These ringlets are connected via the "H" connecter element (250) forming an opposing dual helix as a parent structure with the connective elements as substructure. This crucial distinction was highlighted by the models and illustrations of the two devices presented at the interview, and it was clearly shown that the claimed features of the instant stent not only are not disclosed in the Cottone application but are not possible in the Cottone stent.

The differences between the construction of the "helical elements" of the two stents was discussed in greater detail with the Examiners. The concept of the intersecting helical elements of the instant stents is outlined in the SUMMARY OF THE INVENTION section of the instant specification. With reference to instant Figure 7, it was pointed out that helical segments 30 and 40 intersect with 200 and 210. Elements 30 and 40 are defined by angle β while 200 and 210 are defined by angle θ. These opposing helical elements intersect at 250. The crossing of the opposing helical bands at 105 and the "H" configuration at 250 are highlighted in Figures 11 and 13. Again, these features are not possible with the Cottone stent.

It is to be noted that the Cottone application and the instant application are directed to self-expanding and balloon-expandable platforms, respectively. The design elements of each

stent are configured and connected differently to enable the respective stents to be deployed in the optimal manner, given their contemplated uses. The connecting elements of the Cottone stent are not part of the "ring" that is in fact the first helix of the Cottone stent. On the other hand, the helical segments connecting the ringlets of the instant stents are in fact integral parts of the ringlets themselves. Once expanded, the Cottone stent can be compressed back to its original size and shape; however, the instant stent cannot be restored completely back to its original state.

As indicated in the Interview Summary, the end result of Applicants' presentation was that agreement was reached with respect to the claims, this agreement being that "the cited prior art does not disclose a plurality of cylindrical elements, as required by the claims." Implicit in this agreement is the idea that no claim amendments are required, or even helpful, to make clear the distinction between the instant stent and that of the cited prior art.

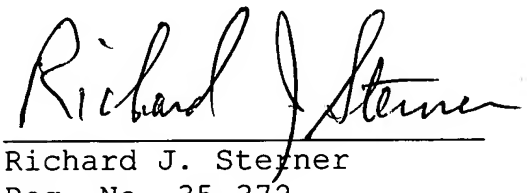
In view of the agreement reached at the interview with respect to the prior art issue and Applicants' addressing herein of the other outstanding issues, this application is in condition for allowance. Allowance of the application is respectfully requested. Should any other matters require

attention prior to allowance, it is respectfully requested that the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge any fees which may be due in connection with this communication to Deposit Account No. 23-1703.

Date: September 10, 2004

Respectfully submitted,



Richard J. Steiner
Reg. No. 35,372
Applicants' Agent
Customer Number 007470
(212) 819-8200
Agent's Direct Line:
(212) 819-8783

Enclosures